

EXHIBIT D

HAMPDEN SUPERIOR COURT

Case Summary

Criminal Docket

HDCR2004-00913
Commonwealth v Ribeiro, David

File Date	07/27/2004	Status	Disposed (sentenced) (dsenimp)
Status Date	05/04/2005	Session	1 - Crim 1 CtRm 1
Jury Trial	Unknown	Origin	I - Indictment
Lead Case			

Arraignment	07/30/2004	Track		Final PTC	10/28/2004
Disp. Deadline	07/30/2005	Deadline Status	Deadline active since return date	Status Date	07/30/2004
Pro Se Deft	No	Custody Status	Hampden House of Correction (Ludlow)	Start Date	05/04/2005
Weapon	Hand gun	Substance		Prior Record	Unknown

OFFENSES

Num	Offense	Code	Status	Status Date
1	07/12/2004	265/17/B	Guilty finding	05/03/2005
	ROBBERY, ARMED & MASKED c265 s17			
2	07/12/2004	269/10/J	Guilty finding	05/03/2005
	FIREARM, CARRY WITHOUT LICENSE c269 s10(a)			
3	07/12/2004	269/10/G	Guilty finding	05/03/2005
	FIREARM WITHOUT FID CARD, POSSESS c269 s10(h)			
4	07/12/2004	265/18B/A	Guilty finding	05/03/2005
	FIREARM IN FELONY, POSSESS c265 s18B			

PARTIES**Plaintiff**

Commonwealth
 Gender: Unknown
 Active 07/27/2004 Notify

District Atty's Office 636662

Karen J Bell
 Hampden County District Atty's Office
 50 State Street
 Hall of Justice
 Springfield, MA 01102
 Phone: 413-747-1000
 Fax: 413-781-1001
 Inactive 04/28/2005

Defendant

David Ribeiro
 119 Federal Street
 Springfield, MA 01101
 DOB: 08/02/1968
 Gender: Male
 Active 07/27/2004

Public Counsel 173090

Edward B Fogarty
 101 State Street
 Suite 321
 Springfield, MA 01103
 Phone: 413-827-0174
 Fax: 413-737-7782
 Active 07/30/2004 Notify

District Atty's Office 643755

Matthew D Thomas
 Hampden County District Atty's Office
 50 State Street
 Hall of Justice
 Springfield, MA 01102
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 Fax: 413-781-4745
 Active 04/28/2005 Notify

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ENTRIES

Date	Paper	Text
07/27/2004	1.0	Indictment returned
07/27/2004		RE: offense #2 Penalty Enhancement Under 269/20G(a):
07/27/2004		RE: offense #3 Penalty Enhancement Under 269/10G(a):
07/30/2004		Deft arraigned before Court
07/30/2004		Appointment of Counsel Edward B Fogarty, pursuant to Rule 53
07/30/2004	2.0	Notice of assignment of counsel / Appearance filed.
07/30/2004		Deft waives reading of indictments
07/30/2004		RE Offense 1:Plea of not guilty
07/30/2004		RE Offense 2:Plea of not guilty
07/30/2004		RE Offense 3:Plea of not guilty
07/30/2004		RE Offense 4:Plea of not guilty
07/30/2004		Bail set: \$50,000.00 cash without prejudice
07/30/2004		Bail warning read (Sweeney, J.)
07/30/2004	3.0	Bail: mittimus issued
09/08/2004	4.0	Pre-trial conference report filed
10/19/2004	5.0	Motion by Deft: for allowance of costs and expenses impounded
10/19/2004		Motion (P#5) allowed (please see pleading) (Josephson, J.)
10/19/2004	6.0	Agreement on Discovery motions
01/10/2005	7.0	Pre-trial conference report filed
02/17/2005	8.0	Motion by Deft: to suppress unlawfully obtained confession
02/17/2005	8.1	Affidavit of in support motion to suppress unlawfully obtained confession
02/17/2005	9.0	Deft files: Memorandum in support motion to suppress unlawfully obtained confession
02/17/2005		Motion (P#8) denied, see record (Curley, J.). Copies mailed
02/17/2005	10.0	Motion by Deft: to supplement grounds to suppress unlawfully obtained confession
02/17/2005		Motion (P#10) Allowed, without objection (Curley, J.).
02/17/2005	11.0	Exhibits filed re: Motion to suppress
02/17/2005		Defendant's oral motion for copy of transcript is Allowed (Defendant is indigent); Written motion to be allowed once filed (Curley, J.)
02/18/2005	12.0	Motion by Deft: & Order for Transcript
02/18/2005		Motion (P#12) allowed (Curley,J.)
02/18/2005	13.0	Motion by Deft: to Continue
02/18/2005	14.0	Motion by Deft: to Suppress Identification w Aff. & Memo
02/18/2005	14.1	Affidavit in Support of Motion to Suppress Identification
02/18/2005	15.0	Deft files Memorandum in Support Motion to Suppress Unlawfully Obtained Confession
02/18/2005	16.0	Motion by Deft: to Dismiss
02/18/2005	16.1	Affidavit in support of motion to dismiss
02/22/2005	17.0	Notice sent on February 22, 2005 to Judy Donnellan for Motion to Suppress Transcript
02/22/2005		Motion (P#13) (Please see pleading) (Constance M. Sweeney, Justice). N. 2/23/05
02/22/2005		At defendant's request, the motion to continue trial is converted to

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		a motion to file a Motion to suppress I.D. Motion to suppress I.D. will be heard immediately before trial. Defendant waives R. 15. (Sweeney, J.)
02/22/2005		After hearing: Bail remains the same. (Sweeney, J.)
02/22/2005	18.0	Bail: mittimus issued
03/08/2005		Hearing on (P#16) held, matter taken under advisement (Sweeney,J)
03/08/2005		Motion (P.#16) denied (See Pleading) (Constance M. Sweeney, Justice) N.3/9/05
04/07/2005	19.0	Motion by Deft: to dismiss appointed attorney and for it to be allowed that defendant represent himself, pro se
04/15/2005		Motion (P#19) denied (McDonald, J)
04/19/2005	20.0	Motion by Deft: to continue
04/20/2005		Motion (P#20) allowed (McDonald, J)
04/26/2005	21.0	Motion by Deft: to clarify and/or continue
04/26/2005		Motion (P#21) denied (McDonald, J)
04/28/2005	22.0	Commonwealth files list of witnesses
05/02/2005		Defendant's oral motion to Dismiss Counsel--denied. (Velis,J.)
05/02/2005		Motion (P#14) allowed in part, denied in part. See Record (Velis,J.)
05/02/2005	23.0	Motion by Commonwealth: in Limine Seeking Admission of Prior Convictions of the Defendant
05/02/2005	24.0	Motion by Commonwealth: in Limine to Allow Video Recorded Evidence
05/02/2005	25.0	Deft files Voir Dire Questions
05/02/2005	26.0	Motion by Deft: in Limine to Exclude Evidence of Defendant's Prior Convictions
05/02/2005	27.0	Motion by Deft: to Sequestration of prosecution Witnesses
05/02/2005	28.0	Motion by Deft: to Dismiss due to Prosecution Victim/Witness not appearing trial or any other Court Proceeding
05/02/2005	29.0	Waiver of trial by jury
05/03/2005		Motion (P#23) denied (Velis,J.)
05/03/2005		Motion (P#28) Defendant withdraws motion in open court, on the record (Velis,J.)
05/03/2005	30.0	RE Offense 1:Guilty finding
05/03/2005	31.0	RE Offense 2:Guilty finding
05/03/2005	32.0	RE Offense 3:Guilty finding
05/03/2005	33.0	RE Offense 4:Guilty finding
05/03/2005	34.0	Motion by Deft: for Required Finding of Not Guilty
05/03/2005		Motion (P#34) denied (Velis,J.)
05/03/2005		Defendant's Renewed Oral Motion for A Required Finding of Not Guilty --Denied (Velis,J.)
05/03/2005		Bail set:Bail Revoked-Held Without the Right to Bail (Velis,J.)
05/03/2005	35.0	Bail: mittimus issued
05/04/2005	36.0	Defendant sentenced to Count 1: MCI-Cedar Junction for the term of not more than 6 years and not less than 5 years. Count 2 & 3: Hampden County HOC for 1 year. Concurrent with 04-913-1. Count 4: MCI-Cedar Junction for the term of not more than 5 years and not less than 5 years. From & After 04-913-1. (Velis,J.)

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Date	Paper	Text
05/04/2005		Sentence credit given as per 279:33A: 296 by agreement
05/04/2005		Victim-witness fee assessed: \$90.00
05/04/2005		Defendant warned per Chapter 22E Sec. 3 of DNA
05/04/2005		Notified of right of appeal under Rule 64
05/04/2005	37.0	Commonwealth files Nolle Prosequi on Counts 2 & 3 -To so much as Alleges 269 10G(a) /Enhancements
05/04/2005	38.0	Exhibits filed Re: Jury Waived Trial
05/04/2005	39.0	Motion by Deft: to revise, revoke or amend
05/10/2005		Notice sent on May 10, 2005 to The Honorable Peter A. Velis and A.D.A.

EVENTS

Date	Session	Event	Result
07/30/2004	Crim 1 CtRm 1	Arraignment	Event held as scheduled
09/08/2004	Crim 1 CtRm 1	Conference: Pre-Trial	Event held as scheduled
10/19/2004	Crim 1 CtRm 1	Hearing: Motion	Event held as scheduled
01/04/2005	Crim 1 CtRm 1	Hearing: Motion	Event not held--req of Defendant
		Evidentiary	
01/10/2005	Crim 1 CtRm 1	Hearing: Misc Matters	Event held as scheduled
		to set Evidentiary hearing date	
02/17/2005	Crim 1 CtRm 1	Hearing: Motion	Event moved to another session
		Evidentiary	
02/17/2005		Hearing: Motion	Event held as scheduled
		Motion to Suppress	
02/22/2005	Crim 1 CtRm 1	Hearing: Motion	Event held as scheduled
03/07/2005	Crim 1 CtRm 1	Hearing: Motion	Event held--under advisement
		Motion to dismiss	
03/08/2005	Crim 1 CtRm 1	Hearing: Motion	Event held as scheduled
03/21/2005	Crim 1 CtRm 1	TRIAL: by jury	Event not reached by Court
03/21/2005	Crim 1 CtRm 1	Hearing: Motion	Event not held--joint request
		Evidentiary hearing	
03/22/2005	Crim 1 CtRm 1	TRIAL: by jury	Event not reached by Court
03/23/2005	Crim 1 CtRm 1	TRIAL: by jury	Event not reached by Court
03/24/2005	Crim 1 CtRm 1	TRIAL: by jury	Event moved to another session
03/24/2005	Trials CtRm 7	TRIAL: by jury	Event not reached by Court
04/15/2005	Trials CtRm 7	Hearing: Motion	Event held as scheduled
04/20/2005	Trials CtRm 7	Hearing: Motion	Event held as scheduled
04/27/2005	Trials CtRm 7	TRIAL: by jury	Event not held--req of Defendant
05/02/2005	Trials CtRm 7	TRIAL: by jury	Event moved to another session
05/02/2005	Civil B CtRm5	Hearing: Motion	Event held as scheduled
		Pl.14	
05/03/2005	Civil B CtRm5	TRIAL: jury waived	Event held as scheduled
05/04/2005	Crim 1 CtRm 1	Hearing: Sentence Imposition	Event held as scheduled
		@ 2:30 P.M.	

A TRUE COPY

OF THE DOCKET MINUTES:

IN WITNESS WHEREOF, I hereunto
set my hand, and have caused the seal
of the Superior Court for the County
of Hampden to be affixed on this

1st day of June 05

Caroline M. Greene
Deputy Clerk